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16 Attorneys for Plaintiff

17
18 **IN THE UNITED STATES DISTRICT COURT**
19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 DAVID BAIN, ALAINA BAIN, and
22 DAYNA BAIN, individuals,

23 Plaintiff,

24 v.

25 UNITED HEALTHCARE INC., et
26 al.,

27 Defendants.

Case No.: 15-cv-3305-EMC

**JOINT STIPULATION TO
AMEND COMPLAINT AND
FOR DISMISSAL OF
DEFENDANT UNITED
HEALTHCARE INC. WITHOUT
PREJUDICE, and
[~~proposed~~] ORDER**

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure all parties hereby stipulate

(1) to the filing of Plaintiffs' Amended Complaint, attached as Exhibit A hereto and filed herewith, to name OXFORD HEALTH INSURANCE, INC. and UNITED BEHAVIORAL HEALTH as defendants;

(2) to the dismissal *without prejudice* of original Defendant UNITED HEALTHCARE INC.;

(3) that Defendants waive notice and service of the amended complaint;

(4) no current outstanding discovery or discovery disputes will be affected by the foregoing amendment and dismissal; and

(5) that the Answer(s) of newly named Defendants OXFORD HEALTH INSURANCE and UNITED BEHAVIORAL HEALTH shall be due within 20 calendar days following the date of filing hereof.

Dated: March 22, 2017

/s/ Joseph A. Creitz

Joseph A. Creitz,
CREITZ & SEREBIN LLP

/s/ Nicholas A. Carlin

Nicholas A. Carlin,
PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP

Counsel for Plaintiffs

Dated: March 22, 2017

/s/ Timonthy J. Nally

Timothy J. Nally
LEWIS BRISBOIS BISGAARD & SMITH, LLP
Counsel for Defendant United

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: March 22, 2017

/s/ Joseph A. Creitz
Attorney for Plaintiff

1 **[~~propose~~] ORDER PURSUANT TO STIPULATION**

2 Pursuant to the stipulation of the parties, and good cause appearing,
3 the court hereby orders as follows:

4 (1) Plaintiffs' Amended Complaint, attached as Exhibit A to said
5 stipulation shall be deemed filed as of the date upon which it was
6 electronically filed;

7 (2) Defendant UNITED HEALTHCARE INC. is hereby dismissed
8 *without prejudice*;

9 (3) Defendants waive notice and service of the amended complaint;

10 (4) Any current outstanding discovery or discovery disputes will be
11 unaffected by the foregoing; and

12 (5) The Answer(s) of newly named Defendants OXFORD HEALTH
13 INSURANCE and UNITED BEHAVIORAL HEALTH shall be due within
14 20 calendar days following the date of filing of the aforementioned
15 stipulation.

16
17 IT IS SO ORDERED.

18 Dated: 3/23/17

